

TITLE VII - BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND
LANGUAGE ACQUISITION PROGRAMS

Title VII of the bill would revise Title VII (Bilingual Education, Language Enhancement, and Language Acquisition Programs) of the ESEA to enhance and make more effective the accountability provisions for those receiving grants under Subpart 1 of the title and improve the professional development programs under Subpart 2 of Title VII by eliminating overlap among the different authorized activities and targeting activities on specific areas where assistance is most needed. Other program improvements are also proposed.

BILINGUAL EDUCATION

Section 701. Findings, Policy, and Purpose. Section 701 of the bill would amend sections 7102(a) (Findings) and (b) (Policy) of the ESEA to incorporate recent research findings and to add the policy that limited English proficient students be tested in English after three consecutive years in United States' schools. This requirement is consistent with the school accountability requirements associated with limited English proficient students in section 1111(b)(2)(F)(v) of Title I of the ESEA. Section 701 of the bill would also amend section 7102(c) (Purpose) of the ESEA to add helping to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

Section 702. Authorization of Appropriations for Part A. Section 702 of the bill would amend section 7103(a) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A of the Title from fiscal year 2001 through 2005.

Section 703. Program Development and Enhancement Grants. In order to simplify and improve administration of instructional services grants, section 703 of the bill would amend section 7113 of the ESEA (Enhancement Grants) to consolidate the activities of the Program Development and Implementation Grants program (currently in section 7112 of the ESEA and repealed in section 730 of the bill) and the Enhancement Grants program into a new three-year grant program, "Program Development and Enhancement Grants."

Section 703(3) of the bill would require grants to be used to: (1) develop and implement comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services; (2) provide high-quality professional development; and (3) require annual assessment of student progress in learning English. Section 703(3) of the bill would also amend current language on allowable activities to emphasize effective instructional practice and the use of technology in the classroom.

Section 703(4) of the bill would authorize the Secretary to give priority to applicants that enroll fewer than 10,000 students and that have limited or no experience in serving limited English proficient students.

Section 704. Comprehensive School Grants. Section 704 of the bill would amend section 7114 of the ESEA that authorizes five-year Comprehensive School Grants for school-wide instructional programs. Section 704(1) of the bill would revise the purpose of the program. The purpose would be to implement school-wide education programs, in coordination with Title I of the ESEA, for children and youth with limited English proficiency to assist such children and youth to learn English and achieve to challenging State content and performance standards, and to improve, reform, and upgrade relevant programs and operations in schools with significant concentrations of such students or that serve significant numbers of such students.

Section 704(2) of the bill would amend section 7114(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on the indicators established and data and information collected under the annual evaluations under section 7118 (as redesignated) and such other data and information as the Secretary may

require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 704(3) of the bill would establish required activities. The required activities would, among other things, include the annual assessment of student progress in learning English. Section 704(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice and the use of technology in the classroom.

Section 704(4) of the bill would limit the period during which grant funds may be used for planning to 90 days and limit the number of schools that may be included in the grant to two. These changes would ensure more effective use of Federal assistance.

Section 705. Systemwide Improvement Grants. Section 705 of the bill would amend section 7115 (Systemwide Improvement Grants) of the ESEA that authorizes five-year grants for projects within an entire school district. Section 705(1) of the bill would amend section 7115(a) of the ESEA to make editorial and conforming changes to that subsection.

Section 705(2) of the bill would amend section 7115(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on the indicators

established and data and information collected under the annual evaluations under section 7118 (as redesignated), and such other data and information as the Secretary may require. If the Secretary determines that a recipient requesting a fourth-year continuation award under this section is not making continuous and substantial progress, the recipient would be required to promptly develop and submit to the Secretary a program improvement plan for its program. The Secretary would be required to approve a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 705(3) of the bill would establish required activities, including building school district capacity to continue to operate similar instructional programs once Federal funding is no longer available, aligning programs for limited English proficient students with school, district, and State reform efforts and coordinating with other relevant programs (such as Title I), and annually assessing student progress in learning English. The required activities would help ensure that projects effectively promote educational reform for limited English proficient students. Section 705(3) of the bill would also amend current language on allowable activities to, among other things, emphasize effective instructional practice, developing student proficiency in two languages, and the use of technology in the classroom.

Section 706. Applications for Awards under Subpart 1.
Section 706 of the bill would amend section 7116 of the ESEA (Applications) to make changes designed to increase program accountability.

Section 706(1) of the bill would amend section 7116(b) of the ESEA (State Review and Comments) to clarify that SEAs must not only review Subpart 1 applications, but also transmit that review in writing to the Department.

Section 706(2) of the bill would amend section 7116(f) of the ESEA (Required Documentation) to require documentation that the leadership of each participating

school had been involved in the development and planning of the program in the school.

Section 706(3) of the bill would amend section 7116(g) of the ESEA (Contents) to reorganize paragraph (A) and to add to the list of data to be included in the application, data on: (1) current achievement data of the limited English proficient students to be served by the program (and in comparison to their English proficient peers) in reading or language arts (in English and in the native language if applicable) and in math; (2) reclassification rates for limited English proficient students in the district; (3) the previous schooling experiences of participating students; and (4) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and (5) how the grant would supplement the basic services provided to limited English proficient students. Many school districts already collect such data and its collection would help ensure that data submitted with the application could be used to establish a baseline against which instructional progress could be measured.

Section 706(3) of the bill would also make editorial changes to section 7116(g)(1)(B) of the ESEA and require, in section 7116(g)(1)(E) of the ESEA, an assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in the native language of the majority of students they teach, if instruction in the program is also in the native language.

Section 706(4) of the bill would amend section 7116(i) of the ESEA (Priorities and Special Rules) to add two new priorities for applicants that experience a dramatic increase in the number of limited English proficient students enrolled and demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards and make editorial revisions.

Section 707. Evaluations under Subpart 1. Section 707(1) of the bill would amend current section 7123(a) of the ESEA (Evaluation) to require that grantees conduct an annual, rather than biennial, evaluation. This change would enhance the Department's ability to hold projects accountable for teaching English to limited English

proficient students and to determine the extent to which these students are achieving to State standards.

Section 707(2) of the bill would revise the list of evaluation components, in section 7123(c) of the ESEA, to require a recipient to: (1) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program; (2) report on the validity and reliability of all instruments used to measure student progress; and (3) enable results to be disaggregated by such relevant factors as a student's grade, gender, and language group, and whether the student has a disability. Evaluations would be required to include: (1) data on the project's progress in achieving its objectives; (2) data showing the extent to which all students served by the program are achieving to the State's student performance standards; (3) program implementation indicators that address each of the program's objectives and components, including the extent to which professional development activities have resulted in improved classroom practices and improved student achievement; (4) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (5) such other information as the Secretary may require. This revision is necessary to ensure that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with data needed to assess grantee progress towards meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707(3) of the bill would add a new subsection (d) (Performance Measures) that would require the Secretary to establish performance indicators to determine if programs under sections 7113 and 7114 (as redesignated) are making continuous and substantial progress, and allow the Secretary to establish such indicators to determine if programs under section 7112 (as redesignated) are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.

Section 708. Research. Section 708 of the bill would amend current section 7132 of the ESEA (Research) to support the use of the research authority to gather data needed to assess the Department's progress in meeting goals established for the Bilingual Education program under GPRA.

Section 708(1) of the bill would amend sections 7132(a) (Administration) and (b) (Requirements) of the ESEA to eliminate the requirement that research be conducted through the Office of Educational Research and Improvement in collaboration with the Office of Bilingual Education and Minority Languages Affairs and also to provide a list of allowable research activities (including data collection needed for compliance with GPRA and identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards).

Section 708(3) of the bill would make conforming changes to sections 7132(c)(1) and (2) of the ESEA and eliminate the authorization for grantees under Subparts 1 and 2 to submit research applications at the same time as their applications under Subparts 1 and 2. The current provision unnecessarily complicates the conduct of these grant competitions. Section 708(4) of the bill would eliminate section 7132(e) (Data Collection) since data collection is an activity authorized in subsection (a).

Section 709. Academic Excellence Awards. Section 709 of the bill would replace current section 7133 of the ESEA (Academic Excellence) that authorizes grants, contracts, and cooperative agreements to promote the adoption of promising instructional and professional development programs, with a State discretionary grant program. Under the new program, the Secretary would be authorized to make grants to SEAs to assist them in recognizing LEAs and other public and non-profit entities whose programs have demonstrated significant progress in assisting limited English proficient students to learn English and to meet the same challenging State content standards expected of all children and youth, within three years. The expanded State role proposed in these amendments is designed to encourage and reward exceptional programs and help disseminate information on effective instructional practices for serving limited English proficient students.

Section 710. State Grant Program. Section 710 of the bill would amend subsection (c) (Uses of Funds) of section 7134 (State Grant Program) of the ESEA to require States to use funds under the section to: (1) assist LEAs with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and (2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations. This amendment is designed to improve the quality of data collected by LEAs relating to services for limited English proficient students.

Section 711. National Clearinghouse on the Education of Children and Youth with Limited English Proficiency.

Section 711 would amend section 7135 of the ESEA (National Clearinghouse for Bilingual Education) to rename the Clearinghouse the "National Clearinghouse for the Education of Children and Youth with Limited English Proficiency", and to eliminate ambiguous and burdensome requirements that the Clearinghouse be administered as an adjunct to the Educational Resources Information Center Clearinghouse system, develop a data base management and monitoring system, and develop, maintain, and disseminate a listing of bilingual education professionals.

Section 712. Instructional Materials Development.

Section 712 of the bill would amend section 7136 of the ESEA (Instructional Materials) to expand the current authorization for grants to develop, publish, and disseminate instructional materials. The current authorization is limited to Native American, Native Hawaiian, Native Pacific Islanders, and other languages of outlying areas. The amendment would add other low-incidence languages in the United States for which instructional materials are not readily available. The kinds of materials that may be developed would also be expanded to include materials on State content standards and assessments for dissemination to parents of limited English proficient students. The proposed amendment recognizes that instructional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become more involved in the education of their children.

Section 712 of the bill would also require the Secretary to give priority to applications for developing instructional materials in languages indigenous to the United States or to the outlying territories and for developing and evaluating instructional materials that reflect challenging State and local content standards, in collaboration with activities assisted under Subpart 1 and section 7124.

Section 713. Purpose of Subpart 3. Section 713 of the bill would amend section 7141 (Purpose) of Subpart 3 (Professional Development) of Part A of the title to eliminate a reference to dissemination of information. This activity is not directly related to professional development.

Section 714. Training for all Teachers Program. Section 714 of the bill would amend section 7142 of the ESEA (Training for all Teachers Program) to limit grants to ongoing professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development. The Secretary would be authorized to award grants to LEAs or to one or more LEAs in consortium with one or more institutions of higher education, SEAs, or nonprofit organizations. This change would help ensure that the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 7142 of the ESEA would be further amended to reduce the grant period from 5 to 3 years, thus allowing the program to assist a greater number of communities. Also, funded professional development activities would be required to be of high-quality and long-term in nature, thus no longer could they be simply a few weekend seminars. The list of allowable activities would be expanded to, among other things, include induction programs, clarifying that grantees may use grants to cover the costs of coaching by teachers experienced in serving limited English proficient students for teachers who are preparing to serve these students, and support for teacher use of education technologies. The proposed amendments reflect current research findings on effective professional development practices.

Section 715. Bilingual Education Teachers and Personnel Grants. Section 715 of the bill would amend

section 7143 of the ESEA (Bilingual Education Teachers and Personnel Grants) to limit grants to institutions of higher education for preservice professional development. This change would provide greater focus to the activity since the current statute covers both inservice and preservice professional development.

Also, section 715(3) of the bill would add a new subsection (d) to section requiring that funds be used to put in place a course of study that prepares teachers to serve limited English proficient students, integrate course content relating to meeting the needs of limited English proficient students into all programs for prospective teachers, assign tenured faculty to train teachers to serve limited English proficient students, incorporate State content and performance standards into the institution's coursework, and expand clinical experiences for participants. The new subsection would also authorize grantees to use funds for such activities as supporting partnerships with LEAs, restructuring higher education course content, assisting other institutions of higher education to improve the quality of relevant professional development programs and expanding recruitment efforts for students who will participate in relevant professional development programs.

The proposed amendments recognize that all prospective teachers should have a basic understanding of effective methods for serving limited English proficient students. Because of the rapid growth in this population, all teachers can expect to have limited English proficient students in their classrooms at some point in their teaching career. These amendments also recognize the importance of creating a closer link between schools of education that produce new teachers and the schools that hire them.

Section 716. Bilingual Education Career Ladder Program. Section 716 of the bill would amend section 7144 of the ESEA (Bilingual Education Career Ladder Program) to authorize grants to a consortia of one or more institutions of higher education and one or more SEAs or LEAs to develop and implement bilingual education career ladder programs. A bilingual education career ladder program would be a program designed to provide high-quality, pre-baccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree and that would lead

to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in postsecondary programs to train them to become bilingual educators, and make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.

Also, section 716(4) of the bill would amend section 7144(d) of the ESEA (Special Considerations) to eliminate the current special considerations and require the Secretary, instead, to give special consideration to applications that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.

Section 717. Graduate Fellowships in Bilingual Education Program. Section 717 of the bill would amend section 7145(a) of the ESEA (Authorization) in the Graduate Fellowships in Bilingual Education Program, to eliminate the authorization for fellowships at the post-doctoral level and the requirement that the Secretary make a specific number of fellowship awards in any given year. Masters and doctoral level fellows are more likely to provide a direct benefit to classroom instruction than fellows at the post-doctoral level .

Section 718. Applications for Awards under Subpart 3. Section 718 of the bill would amend section 7146 of the ESEA (Application) to clarify that the State educational agency must review and submit written comments on all applications for professional development grants, with the exception of those for fellowships, to the Secretary.

Section 719. Evaluations under Subpart 3. Section 719 of the bill would amend section 7149 of the ESEA (Program Evaluations) to require an annual evaluation and to clarify evaluation requirements. The purpose of these proposed amendments is to increase project accountability and ensure that the Department receives data from grantees

that is required to address performance goals established under the GPRA.

Section 720. Transition. Section 720 of the bill would amend section 7161 of the ESEA (Transition) to provide that a recipient of a grant under subpart 1 of Part A of this title that is in its third or fourth year of the grant on the day preceding the date of enactment of the Educational Excellence for All Children Act of 1999 shall be eligible to receive continuation funding under the terms and conditions of the original grant.

EMERGENCY IMMIGRANT EDUCATION PROGRAM

Section 721. Findings of the Emergency Immigrant Education Program. Section 721 of the bill would amend section 7301 (Findings and Purpose) of Part C (Emergency Immigrant Education Program) of Title VII of the ESEA to add an additional finding to better justify the program.

Section 722. State Administrative Costs. Section 722 of the bill would amend section 7302 of the ESEA (State Administrative Costs) to authorize States to use up to 2 percent of their grant for administrative costs if they distribute funds to LEAs within the State on a competitive basis. The current provision caps State administrative costs at 1.5 percent, which is insufficient to cover the costs of holding a State discretionary grant competition.

Section 723. Competitive State Grants to Local Educational Agencies. Section 723 of the bill would amend section 7304(e)(1) of the ESEA to eliminate the \$50 million appropriations trigger on, and the 20 percent cap for, allowing States each year to reserve funds from their program allotments and award grants, on a competitive basis, to LEAs with the State. This change reflects current budget policy and practice of allowing State recipients the opportunity to allow LEAs to compete for funds.

Section 724. Authorization of Appropriations for Part C. Section 724 of the bill you amend section 7309 of the ESEA (Authorizations of Appropriations) to authorize the appropriation of such sums as may be necessary for each of fiscal years 2001 through 2005 to carry out Part C of Title VII.

GENERAL PROVISIONS

Section 725. Definitions. Section 725 of the bill would amend section 7501 (Definitions; Regulations) of Part E (General Provisions) of Title VII of the ESEA to add a definition of "reclassification rate," a term used in the proposed amendments to the Applications and Evaluations sections of Subpart 1 of Part A of Title VII of the ESEA. The term would mean the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient. Also, the current definition of "Special Alternative Instructional Program", would be eliminated.

Section 726. Regulations, Parental Notification, and Use of Paraprofessionals. Section 726 of the bill would amend section 7502 (Regulations and Notification) of Part E to add requirements for projects funded under subpart 1 of Part A of the title relating to parental notification and the use of instructional staff who are not certified in the field in which they teach. Section 726(1) of the bill would amend the section heading to read: "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS".

Section 726(2) of the bill would amend section 7502(b) (Parental Notification) of the ESEA by making conforming amendments in paragraphs (1)(A) and (C) of the subsection and amending paragraph (2)(A) of the subsection to change the paragraph heading to "Option to Withdraw" and to require a recipient of funds under Subpart 1 of Part A to provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time.

Section 726(3) of the bill would add a new subsection (c) to require that, on the date of enactment of the Educational Excellence for All Children Act of 1999, all new staff hired to provide academic instruction in programs supported under Part A, Subpart 1, will be in accordance with the requirements of section 1119(c) of the ESEA, relating to the employment of paraprofessionals. These amendments are designed to lead to an improvement of the professional skills of instructional staff providing services to limited English proficient students.

REPEALS, REDESIGNATIONS, AND CONFORMING AMENDMENTS

Section 727. Terminology. Section 727 of the bill would amend subparts 1 and 2 of Part A and section 7501(6) of the ESEA to conform references to bilingual education and special alternative instruction programs to instructional programs for children and youth with limited English proficiency.

Section 728. Repeals. Section 730 of the bill would repeal current sections 7112, 7117, 7119, 7120, 7121, 7147 and Part B of Title VII of the ESEA.

Section 7112 would no longer be needed since the authorized activity would be consolidated with the activity authorized by Section 7113.

Sections 7117 (Intensified Instruction), 7119 (Subgrants), 7120 (Priority on Funding), and 7121 (Coordination) of the ESEA would be repealed since these sections repeat language appearing elsewhere in the statute or cover situations that are unlikely to occur.

Section 7147 (Program Requirements) of the ESEA would be repealed because it requires that all professional development grants assist educational personnel in meeting State and local certification requirements. This requirement is not relevant to all of the authorized professional development activities.

Part B of Title VII of the ESEA would be moved to new Part I of Title X of the ESEA.

Section 729. Redesignations and Conforming Amendments. Section 731 of the bill would provide for the redesignation of various sections of the ESEA and for conforming references to those sections and to other sections of the ESEA that have been changed.